



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

J.O

B⁹

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/312,823 05/17/99 TAGUCHI

T

EXAMINER

005514 LM02/0907
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

PEYTON, T

ART UNIT

PAPER NUMBER

2782

9

DATE MAILED:

09/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/312,823

Applicant(s)

TAGUCHI

Examiner

Tammara Peyton

Group Art Unit

2782

☒ Responsive to communication(s) filed on Apr 24, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 9, 28, and 150-229 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 9, 28, and 150-229 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/307,494.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2782

DETAILED ACTION

1. The Office Action is in response to Amendment B and Supplemental Amendment C, filed on 4/24/00 and 6/27/00 respectfully. Claims 9, 28, and 150-229 are pending for application number 09/312,823 .

Claim Rejections - 35 USC § 112

2. Claim rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

a. Claim 9, 28, 150, 159 recites the limitation "the external device". There is insufficient antecedent basis for this limitation in the claim.

b. Claim 9, 28, 150, 159 recites the limitation "the connected external device". There is insufficient antecedent basis for this limitation in the claim.

c. Claim 9, 28, 150, 159 recites the limitation "said recognition means". There is insufficient antecedent basis for this limitation in the claim.

d. Claim 9, 28, 150, 159 recites the limitation "the device connection". There is insufficient antecedent basis for this limitation in the claim.

e. Claims 9, 28, 150, 159 recites the limitation "said apparatus". There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2782

f. Claims 170, 179, 190, 199, 210, and 219 recites the limitation “the type”. There is insufficient antecedent basis for this limitation in the claim.

g. Claims 170, 179, 190, 199, 210, and 219 recites the limitation “the connected external device”. There is insufficient antecedent basis for this limitation in the claim.

h. Claims 170, 190, and 210 recites the limitation “said connection recognizing step”. There is insufficient antecedent basis for this limitation in the claim.

i. Claims 170, 179, 190, 199, 210, and 219 recites the limitation “said type recognizing step”. There is insufficient antecedent basis for this limitation in the claim.

j. Claim 199 recites the limitation “the determination” and “said determining step”. Examiner is unsure if there are two *different* determinations in this claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 28, and 150-229 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ishikawa*, patent no. 4,902,146.

Art Unit: 2782

5. As per claims 9, 150, 170, 190, and 210, *Ishikawa* teaches of a storage medium readable by an information processing apparatus [Fig. 1], said storage medium storing a program and program steps for controlling the operation of the information processing apparatus comprising:

a connector [connector 5a or 5b, Fig. 1] for connecting a detachable [from connector 5a or 5b] external device [optional memory card, 6a or 6b, Fig.1] to said apparatus; and

a central processing unit [CPU, 1, Fig. 1] comprising:

means for recognizing connection of the external device to said apparatus by said connector [col. 4, lines 1-22] and recognizing a device type of the connected external device based on data stored in the external device; [col. 3, lines 50-55] and

read means, responsive to said recognition means recognizing the device connection and the device type, for reading a device driver [emulation program, font program, etc.] for the connected external device either from the external device through said connector or from a memory area provided in said apparatus; [col. 2, lines 53-64 and col. 4, lines 22- col. 5, lines 1-7]

wherein said read means executes a program for loading the device driver [emulation program, font program, or RAM buffer, etc.] for the external device connected by said connector.

6. *Ishikawa* discloses a system with a memory option card that incorporates an integrated driver ID, wherein the card downloads an ID signal to the apparatus which uniquely identifies a card type and what information is stored on the card type. *Ishikawa* clearly teaches of

Art Unit: 2782

downloading a device driver depending on the card type [emulation card, font card] through a connector into the system memory of the apparatus thereby enabling control of the external device or from a memory area [I/O control programs from ROM, 2 if the memory card is configured as a RAM buffer and used accordingly] provided in said apparatus.

7. It would have been obvious to one of ordinary skill to produce a system wherein the device driver is downloaded from an external device through a connector into a system's memory or from a memory area provided in said apparatus as taught by *Ishikawa*, because this would eliminate the need to store some device drivers for external devices in the system's memory beforehand thereby saving system resources.

8. As per claims 28, 159, 179, and 219, it would have been obvious that *Ishikawa's* system makes a determination whether a device driver for the connected external device is to be read from the connected external device and reading the device driver in accordance with the determination; because, *Ishikawa* discloses of recognizing a particular card type and downloading either an emulation program or a font program, depending on the determination of the particular card type.

Art Unit: 2782

9. As per claims 151, 162, 171, 182, 191, 202, 211, and 222, it would have been obvious to one of ordinary skill that *Ishikawa* teaches that the loaded device driver comprises the knowledge for controlling the external devices.

10. As per claims 152, 163, 172, 183, 192, 203, 212, and 223, *Ishikawa* teaches wherein said recognition means recognizes the device connection upon supplying power to said apparatus.

[col. 3, lines 65-67]

11. As per claims 153, 154, 164, 165, 173, 174, 184, 185, 193, 194, 204, 205, 213, 214, 224, and 225, *Ishikawa* does not disclose the external device comprises either a random access memory (RAM) card and read only memory (ROM) card, however, one of ordinary skill would readily recognize that conventional memory card would have either comprising of random access memory (RAM) card and read only memory (ROM) card in order to store driver information.

12. As per claims 155, 156, 157, 166, 167, 168, 175, 176, 177, 186, 187, 188, 195, 196, 197, 206, 207, 208, 215, 216, 217, 226, 227, and 228, official notice is taken that the apparatus comprises a notebook personal computer, an electronic pocket book, or an electronic camera, because the specific apparatus taught by *Ishikawa* does not depend upon the specific device it is

Art Unit: 2782

comprised of. Further, the apparatus claimed by applicant could be incorporated in *Ishikawa's* system and not depart from its inventive concept.

13. As per claims 158, 169, 178, 189, 198, 209, 218, and 229, *Ishikawa* teaches the step of storing the device driver read by said reading step in memory. [col. 4, lines 19-27]

14. As per claims 160, 161, 180, 181, 200, 201, 220, and 221, *Ishikawa* teaches wherein said recognition means recognizes whether the device type is a first type or a second type or a third type, said read means reads the device driver from the external device through said connection means if said recognition means recognizes that the device type is the first type and second type, and from a memory area provided in said apparatus if said recognition means recognizes that the device type is the third type. It would have been obvious that the method utilized by applicant is a design choice therefore the same design choice could been implemented, with little programming effort, into *Ishikawa's* system, and not depart from its inventive concept.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2782

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Art Unit: 2782

Washington, D.C. 20231.

Faxes for formal communications intended for entry should be sent to:

(703) 308-9051,

or, for informal or draft communications, to:

(703) 306-5404 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Tammara Peyton

September 1, 2000



THOMAS C. LEE
SUPERVISORY PATENT EXAMINER
GROUP 2700